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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/884,374		HSIEH, BOR-MING	
	Examiner		Art Unit	
	Qing-Yuan Wu		2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/3/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9, 11-18, 20-37, 39-44, 46, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11-18, 20-37, 39-44, 46, and 48-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. - Claims 1-7, 9, 11-18, 20-37, 39-44, 46, and 48-49 are pending in the application.

Claim Objections

2. Claims 1, 13 and 39 are objected to because of the following informalities: “one ore more” should read --one or more--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7, 9, 11-18, 20-37, 39-44, 46, and 48-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lacks antecedent basis:

- i. The thread scheduling mechanism- claims 4 and 15.

- b. The following claim language is indefinite:

- i. As per claim 1, it is uncertain whether “the wake-up time” in lines 20-21 refers to “a wake-up time equivalent to the predetermined amount of time” (i.e. applicant should consider using consistent terms to properly refer to the antecedent). Claims 1, 13 and 39 are rejected for the same reason.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 9, 11-18, 20-37, 39-44, 46, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereafter AAPA), in view of Young (U.S. Patent 6,609,161).

7. Young was cited in the last office action.

8. As to claim 1, AAPA teaches the invention substantially as claimed including managing a single-dimension sleep queue implemented as a linked list, the managing comprising:

identifying a thread of execution to insert into a sleep queue for a predetermined amount of time;

responsive to the identifying, inserting the thread of execution into a sleep queue [AAPA, pg. 2, lines 8-19].

9. AAPA does not specifically teach inserting a thread of execution to a first dimension of a multi-dimensional queue if there is not a thread with a wake-up time equivalent to the

predetermined amount of time in the first dimension. However, AAPA disclosed sorting threads based on wake-up time and thread priority in a sleep queue [AAPA, pg. 3, lines 6-8]. In addition, Young disclosed managing a multi-dimensional queue [Young, 255, Fig. 3A; 260A, Fig. 3B], and inserting a thread of execution to a first dimension of the multi-dimensional queue if there is not a SCB with the same/equivalent target number [Young, col. 5, lines 46-51; col. 6, lines 1-7; Fig. 3C; Fig. 6]

10. It would have been obvious to one of ordinary skill in the art, to have combined the single-dimensional sleep queue of AAPA with Young's multi-dimensional queue because Young's system has the ability to detach/removed a group of SCB independent of the number of SCBs in the group, that are linked in a queue to avoid multiple access to the queue [Young, col. 4, lines 12-17], thereby resolving AAPA's issue by eliminating the non-deterministic amount of time that will be spend on removal and insertion of threads [AAPA, pg. 4, lines 21-22]. The combination of AAPA and Young's system will yield a deterministic thread management system as described by AAPA.

11. Furthermore, AAPA and Young does not specifically teach if there are one or more different threads of execution with the wake-up time in a second dimension of the multi-dimensional sleep queues each of the one or more different threads of execution has a thread priority lower than or equal to a thread priority associated with the thread of execution. However, Young disclosed if a valid tail pointer exists for a target device (i.e. same wake-up time) appending the new SCB to the end of the target queue, in which SCB priorities are based

on order of arrival [Young, col. 5, lines 52-60; col. 8, lines 31-34]. In addition, AAPA disclosed sorting threads based on wake-up time and thread priority in a sleep queue [AAPA, pg. 3, lines 6-8].

12. It would have been obvious to one of ordinary skill in the art, to have recognized that both the teaching of AAPA and Young execute/process threads/SCBs according to a priority scheduling semantic and the SCBs in the first dimension of Young's multi-dimensional queue have the higher priority over other SCBs in its corresponding second dimension target queue base of the priority scheduling semantic.

13. As to claim 2, AAPA as modified teaches the invention substantially as claimed including wherein the multi-dimensional sleep queue is a real-time multi-dimensional sleep queue [AAPA, pg. 1, lines 16-18].

14. As to claim 3, AAPA as modified teaches the invention substantially as claimed wherein the multi-dimensional sleep queue is a two-dimensional sleep queue [Young, abstract; Fig. 3B].

15. As to claims 4-5, these claims are rejected for the same reason as claim 1 above.

16. As to claim 7, AAPA as modified teaches the invention substantially as claimed wherein the predetermined amount of time is a wake-up time and wherein the thread of execution has a

priority [AAPA, Fig. 2; pg. 3, lines 3-14]; and wherein inserting the thread of execution into the multi-dimensional sleep queue further comprises:

sorting the thread of execution into the first dimension of threads and sorting the thread of execution into a second dimension, the thread of execution being sorted first with respect to the first dimension and second with respect to the second dimension [Young, col. 5, line 52 to col. 6 line 18; col. 8, lines 30-60].

17. AAPA as modified does not teach the first dimension of threads being sorted based on respective thread wake-up times, the second dimension of threads being sorted based on respective thread priorities. However, Young disclosed sorting the first dimension common queue based on the order of arrival and having only one SCB per target [Young, col. 2, lines 9-11; col. 4, line 63; 275, Fig. 3B; 402, 405-408, Fig. 4], the second dimension target queue sorted based on the order of arrival and having one specific target [Young, col. 5, lines 6-7; 270A-272A, Fig. 3B; 401-404, Fig. 4].

18. It would have been obvious to one of ordinary skill in the art, to have substituted the parameters in Young's two-dimensional queue with AAPA's parameters, a wake-up time and a priority. The combination would resolve the defect of AAPA as stated above in claim 1. All in all, the changes and modifications made did not depart from Young's system in a broader aspect.

19. As to claim 6, this claim is rejected for the same reason as claims 1 and 7 above.

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20. As to claim 9, AAPA as modified teaches the invention substantially as claimed in claim

7. In addition, AAPA as modified teaches each thread in the second plurality having a same respective thread wake-up time [Young, same target; 270A-272A, Fig. 3B].

21. As to claims 11-12, these claims are rejected for the same reason as claims 1-7 above.

22. As to claims 13-18 and 20-23, these claims are rejected for the same reason as method claims 1-7, 9, and 11-12 above.

23. As to claim 24, AAPA as modified in claim 1 teaches the invention substantially including a method for managing a multi-dimensional sleep queue comprising:

inserting a new thread into the multi-dimensional sleep queue using a multi-dimensional atomic walk procedure [Young, col. 5, line 42 to col. 6 line 18; Fig. 4]; and

removing the new thread from the multi-dimensional sleep queue for insertion into a run queue [AAPA, pg. 4, lines 10-12].

24. As to claim 25, AAPA as modified teaches the invention substantially as claimed in claim 24 including wherein inserting the new thread further comprises:

if the new thread is a first thread, settling a last examined thread to reference the new thread, the last examined thread being used to identify an insertion point for the new thread [Young, col. 6, lines 1-29].

25. As to claims 26-27, these claims are rejected for the same reason as claim 6 above.

26. As to claim 28, this claim is rejected for the same reason as claim 1 above.

27. As to claim 29, this claim is rejected for the same reason as claims 1 and 7 above.

28. As to claim 30, AAPA as modified teaches the invention substantially as claimed in claim 29. AAPA as modified does not specifically teach determining a status of a last examined thread and searching for thread insertion point to insert threads based on the status. However, Young disclosed a scratch memory that stores the value of tail pointers that points to the last SCB in the queues [Young, 350, Fig. 3A; 404, 407-408, Fig. 4].

29. It would have been obvious to one of ordinary skill in the art, to have recognized that changes in the status of the last examined thread can be used to determining a starting point for insertion because doing so will yield a more optimized insertion procedure by not having to traverse the entire queue to locate an insertion point if the status of a last examined thread does not change.

30. As to claims 31-37, these claims are rejected for the same reason as method claims 24-30 above.

31. As to claims 39-44, 46, and 48-49, these claims are rejected for the same reason as claims 1-7, 9, 11-18, and 20-37 above.

Response to Arguments

32. Applicant's arguments filed 1/3/05 have been fully considered but they are not persuasive.

33. In the remarks, Applicant argued in substance that:

a. AAPA in view of Young does not teach or suggest the features of claims 1, 13, 39.

b. References do not teach or suggest "sorting the thread of execution into the second dimension based on respective thread priorities."

c. References do not teach or suggest any more complex object evaluation and insertion procedure such as that provided by the claimed "atomic walk procedure."

d. Nowhere does AAPA in view of Young teach or suggest “a last examined node/thread.”

34. Examiner respectfully traversed Applicant's remarks:

35. As to point (a), please see the rejections for these claims above.

36. As to point (b), AAPA teaches executing threads in a first-in-first-out round robin fashion. Young teaches the priority of SCB execution is maintained according to the order of delivery by host system and that new SCB is appended (sorted) to the end of a target queue (i.e. newly arrive SCB has a lower priority comparing to SCBs already in the target queue) [Young, col. 8, lines 30-60], therefore in combination AAPA in view of Young meets this limitation.

37. As to points (c), Applicant's claimed invention does not support applicant's arguments. Claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. If Applicant believes the limitation is important feature of the invention, it should be incorporated into the claims for further consideration. In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11,15 (CCPA 1978). Examiner further clarify the mapping to the Young patent to show support for this limitation. See rejection for claim 24 above.

38. As to point (d), applicant fails to explain why the mapping of the examiner's rejection based on AAPA in view of Young do not meet this limitation. AAPA in view of Young clearly teach reading the common tail pointer to determined location of the last SCB in the common queue prior to appending the new SCB in to the common queue [Young, col. 6, lines 1-29].

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner


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